

REMARKS

Applicants reply to the Office Action dated June 14, 2010 within three months. The Examiner rejects all pending claims 17-28. Applicants add new claims 29-33. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects claims 17-28 under 35 U.S.C. § 103(a) as being unpatentable over Fredregill (U.S. Patent Application No. 2005/0144074) in view of Davis (U.S. Patent Application No. 2004/0193491). Applicants respectfully disagree with the Examiner's rejections; however, Applicants amend certain pending claims, without prejudice or disclaimer, to further clarify the patentable aspects and to expedite prosecution.

Fredregill discloses an on-line shopping system that can be associated with a loyalty account. The points from the loyalty account can be used to buy items or receive a discount. However, as noted by the Examiner, the Fredregill system is a closed system that does not allow for the association of third party accounts that could receive the non-tangible items purchased with loyalty points. Further, apart from gift certificates, the Fredregill system does not allow a user to purchase non-tangible items (e.g., frequent flyer miles, charitable donations, or credits or monetary value) AND transfer such non-tangible items to a second account.

Davis discloses a computer-enabled certificate program. The system allows a system provider to provide incentives to users in the form of certificates. However, similar to Fredregill, the system of Davis requires that certificate be obtained from one system (e.g. Loyalty Program Site 602) and then requires that the user leave the first system and interact with a separate system to redeem the reward. This multi-system approach makes the transaction and the user experience more difficult and inefficient. For example, where the user obtains a \$100 savings certificate provided by a broker as an incentive for creating an investment account, the user must take the certificate information and interact with a separate broker system to redeem the certificate. Further, where the user obtains a certificate for a travel award (e.g. an airline ticket), the user must take the certificate from the awarding system and interact with a separate system (e.g. the travel service provider system) to redeem the certificate for the travel award.

In summary, when combining the systems of Fredregill and Davis, a user may obtain a certificate that entitles him to an incentive, but the user is required to take other steps to redeem the certificate. The system of Fredregill and Davis requires an extra step which is less efficient for the user and the service provider, because the system disclosed by the cited references requires that both the certificate issuer and the party providing the certificate interact and support the user.

As such, Applicants assert that the cited references alone or in combination do not disclose or contemplate at least, “requesting, by the computer based system, at least one of profile information and a selection to create a new profile for the second account,” “accessing the computer based system in response to receiving the profile information, wherein the profile information is received to define the non-tangible item” or “transferring, by the computer based system, the non-tangible item to the second account” (emphasis added), as similarly recited in independent claims 17, 26, and 27.

Furthermore, claims 18-26 and 29-33 variously depend from independent claim 17. As such, Applicants assert that claims 18-26 and 29-33 are differentiated from the cited references for the same reasons as set forth above, in addition to their own novel features. Thus, Applicants respectfully request allowance of all pending claims.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. If an extension of time is necessary, please accept this as a petition therefore. Applicants invite the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: September 3, 2010

By: 
Mark Williams
Reg. No. 64,425

SNELL & WILMER L.L.P.

400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6542
Fax: 602-382-6070
Email: mwilliams@swlaw.com